

Introduced by Senator Sher

February 19, 1998

An act to amend Sections 25173.7 and 25205.15 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1916, as introduced, Sher. Toxic Substances Control Account: manifest fees.

(1) Under existing law, the Environmental Cleanup and Fee Reform Act of 1997 creates the Toxic Substances Control Account in the General Fund, as of July 1, 1998, and requires specified funds to be deposited in that account. The funds deposited in the account are appropriated to the Department of Toxic Substances Control for specified purposes, including, among other things, the unified hazardous waste and hazardous materials management program. Existing law makes a statement of legislative intent concerning the appropriation of funds from the account by the annual Budget Act, including a statement that it is the intent of the Legislature to appropriate not more than \$1,200,000 for the purpose of implementing the unified program.

This bill would revise the statement of legislative intent to delete the statement regarding the appropriation of funds in the account for the unified hazardous waste and hazardous material program and would additionally state that it is the intent of the Legislature to appropriate not less than \$1,050,000, in the annual Budget Act to establish and implement a program to encourage hazardous waste generators to implement pollution prevention measures.

(2) Existing law requires a specified fee to be paid for each manifest form used before June 30, 1998, except as specified, and requires the department to impose a specified manifest fee system after June 30, 1998, that excludes certain wastes that are recycled. Existing law requires the department to annually expend \$1,050,000, commencing with the 1999–2000 fiscal year, upon appropriation by the Legislature, from the manifest fees deposited in the Hazardous Waste Control Account, to encourage hazardous waste generators to implement pollution prevention measures.

This bill would repeal the requirement that funds be expended from the manifest fees deposited in the Hazardous Waste Control Account for pollution prevention measures.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25173.7 of the Health and Safety
2 Code is amended to read:

3 25173.7. (a) It is the intent of the Legislature that
4 funds deposited in the Toxic Substances Control Account
5 shall be appropriated in the annual Budget Act each year
6 in the following manner:

7 (1) Not less than six million seven hundred fifty
8 thousand dollars (\$6,750,000) to the Site Remediation
9 Account in the General Fund for direct site remediation
10 costs, as defined in Section 25337. The amount specified
11 in this paragraph shall be increased in any fiscal year by
12 the amount of increased revenues specified by the
13 Legislature in the Budget Act for that fiscal year pursuant
14 to subdivision (f) of Section 25205.6.

15 (2) Not less than four hundred thousand dollars
16 (\$400,000) to the Expedited Site Remediation Trust Fund
17 in the State Treasury, created pursuant to subdivision (a)
18 of Section 25399.1, for purposes of paying the orphan
19 share of response costs pursuant to Chapter 6.85
20 (commencing with Section 25396).

21 (3) Eight million dollars (\$8,000,000) for purposes of
22 the administration of the units of the department



1 specified in paragraph (2) of subdivision (b) of Section
2 25173.6.

3 ~~(4) Not more than one million two hundred thousand~~
4 ~~dollars (\$1,200,000) for purposes of implementing the~~
5 ~~unified hazardous waste and hazardous materials~~
6 ~~regulatory program established pursuant to Chapter 6.11~~
7 ~~(commencing with Section 25404) Not less than one~~
8 *million fifty thousand dollars (\$1,050,000) for purposes of*
9 *establishing and implementing a program to encourage*
10 *hazardous waste generators to implement pollution*
11 *prevention measures. The program shall be administered*
12 *pursuant to administrative and expenditure criteria*
13 *established by the Legislature.*

14 (5) Not more than five hundred thousand dollars
15 (\$500,000) for purposes of the administration and
16 collection of the fees specified in paragraph (14) of
17 subdivision (b) of Section 25173.6.

18 (6) Funds not appropriated as specified in paragraphs
19 (1) to (5), inclusive, may be appropriated for any of the
20 purposes specified in subdivision (b) of Section 25173.6,
21 except the purposes specified in subparagraph (C) of
22 paragraph (1) of, and paragraph (14) of, subdivision (b)
23 of Section 25173.6.

24 (b) The amounts specified in paragraphs (1) to (5),
25 inclusive, of subdivision (a) are the amounts that the
26 Legislature intends to appropriate for the 1998–99 fiscal
27 year. Beginning with the 1999–2000 fiscal year, and for
28 each fiscal year thereafter, the amounts shall be adjusted
29 annually to reflect increases or decreases in the cost of
30 living during the prior fiscal year, as measured by the
31 Consumer Price Index issued by the Department of
32 Industrial Relations or by a successor agency.

33 SEC. 2. Section 25205.15 of the Health and Safety
34 Code is amended to read:

35 25205.15. (a) Except for the first four manifests used
36 in a calendar year by a business with less than 100
37 employees, and except as provided in subdivision (b), the
38 department shall impose a fee of twelve dollars (\$12) for
39 each California Uniform Hazardous Waste Manifest form

1 used on or before June 30, 1998, by any person in the
2 following manner:

3 (1) The Governor may, ~~in his or her discretion,~~ order
4 the department to refund three-quarters of the amount
5 of manifest fees paid on manifests used during the 1991
6 calendar year.

7 (2) On and after the 1992 calendar year, for all
8 manifests used on or before June 30, 1998, the manifest fee
9 shall be assessed on all manifests used in the calendar year
10 ending prior to the start of the fiscal year in which the
11 billing occurs.

12 (b) The manifest fee for any manifest that is used on
13 or before June 30, 1998, solely for wastes that are to be
14 recycled is six dollars (\$6) and the total amount of
15 manifest fees paid in a calendar year for these manifests
16 shall not exceed five thousand dollars (\$5,000) for each
17 hazardous waste identification number issued either by
18 the department or the Environmental Protection
19 Agency.

20 (c) On and after June 30, 1998, in addition to any fees
21 to cover printing and distribution costs, the department
22 shall impose a manifest fee of seven dollars and fifty cents
23 (\$7.50) for each California Hazardous Waste Manifest
24 form used after June 30, 1998, by any person, in the
25 following manner:

26 (1) Except as provided in paragraph (2), on and after
27 July 1, 1998, the department shall bill generators for each
28 California Uniform Hazardous Waste Manifest form,
29 manifest number, or electronic equivalent used after
30 June 30, 1998. The billing frequency specified by the
31 department may range from monthly to quarterly, with
32 the payment by the generator required within 30 days
33 from the date of receipt of the billing, and shall be
34 determined based on consultation with the regulated
35 community. In preparing the bills, the department shall
36 distinguish between manifests used solely for recycled
37 hazardous wastes and those used for nonrecycled
38 hazardous wastes.

39 (2) On July 1, 2000, the department shall determine if
40 revenues from the manifest fee as collected pursuant to

1 paragraph (1) will equal or exceed one million seven
2 hundred thousand dollars (\$1,700,000) for the 1999–2000
3 fiscal year. If the department determines that the
4 manifest fee revenues will not equal or exceed one
5 million seven hundred thousand dollars (\$1,700,000) for
6 the 1999–2000 fiscal year, the manifest fee shall instead,
7 commencing July 1, 2000, be collected at the time of
8 original sale of the manifest or distribution of manifest
9 numbers or electronic equivalent to users by the
10 department for all manifests that will be used after June
11 30, 1998.

12 (3) The manifest fee shall not be collected on the use
13 of California Hazardous Waste Recycling Manifests that
14 are used solely for hazardous wastes that are recycled.

15 (4) On or before June 30, 1998, the department shall
16 implement a system for the use of manifests that, after
17 that date, distinguishes between recycling manifests used
18 solely for hazardous wastes that are to be recycled and
19 general manifests that may be used for transporting waste
20 for any purpose.

21 (5) If a person uses a recycling manifest that is
22 designated for recycled hazardous wastes for other types
23 of hazardous waste, the person shall pay the manifest fee
24 provided for in this subdivision and an additional error
25 correction fee of twenty dollars (\$20) per manifest, as
26 required pursuant to Section 25160.5. However, the
27 department shall provide the manifest user with a
28 reasonable opportunity to notify the department of any
29 incorrect use of the recycling manifest and provide the
30 department with the appropriate manifest fee payment
31 without additional fines, penalties, or payment of the
32 error correction fee.

33 (6) The department may adopt regulations to
34 implement and administer the manifest fee system
35 imposed pursuant to this subdivision.

36 (d) ~~(4)~~—The department shall expend the sum of one
37 million dollars (\$1,000,000) from the manifest fees
38 deposited in the Hazardous Waste Control Account, upon
39 appropriation by the Legislature in the annual Budget
40 Act, to cover the one-time costs of implementing changes

1 to the hazardous waste manifest tracking system during
2 the 1998–99 fiscal year.

3 ~~(2) On and after July 1, 1999, commencing with~~
4 ~~1999–2000 fiscal year and annually thereafter, the~~
5 ~~department shall expend, upon appropriation by the~~
6 ~~Legislature in the annual Budget Act, not less than one~~
7 ~~million fifty thousand dollars (\$1,050,000) from the~~
8 ~~manifest fees, deposited in the Hazardous Waste Control~~
9 ~~Account, to establish a program to encourage hazardous~~
10 ~~waste generators to implement pollution prevention~~
11 ~~measures. The program shall be administered pursuant to~~
12 ~~administrative and expenditure criteria to be established~~
13 ~~by the Legislature.~~

14 (e) The manifest fees shall be deposited in the
15 Hazardous Waste Control Account and be available for
16 expenditure, upon appropriation by the Legislature.

